

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 22-CR-60159-DIMITROULEAS

UNITED STATES OF AMERICA

v.

JEREMY KLEIN,

Defendant.

AGREED FACTUAL BASIS FOR GUILTY PLEA

Jeremy Klein (hereinafter referred to as the "Defendant" or "KLEIN") hereby acknowledges that, if this case were to go to trial, the United States would establish the following facts beyond a reasonable doubt:

As charged in the Information, from in or around January 2019, and continuing through in or around June 2021, in Broward County, in the Southern District of Florida, and elsewhere, the Defendant did knowingly and willfully combine, conspire, confederate, and agree with Luis Lacerda and others, in violation of Title 18, United States Code, Section 1349, to commit health care fraud, that is, to knowingly and willfully execute a scheme and artifice to defraud a health care benefit program affecting commerce, as defined in Title 18, United States Code, Section 24(b), that is, Medicare, and to obtain, by means of materially false and fraudulent pretenses, representations, and promises, money and property owned by, and under the custody and control of, said health care benefit program, in connection with the delivery of and payment for health care benefits, items, and services, in violation of Title 18, United States Code, Section 1347.

KLEIN, along with his co-conspirators, owned and operated two pharmacies that were used to defraud Medicare: (1) Xpresso Pharmacy, located in Miramar, Florida, and (2) BOH Pharmacy Group, located in Murfreesboro, Tennessee. From in or around January 2019 through in or around June 2021, these two pharmacies submitted false and fraudulent claims to Medicare that resulted in reimbursement in the amount of approximately \$6,116,882.

In general, the scheme worked as follows. First, KLEIN and his co-conspirators obtained "patient leads," lists containing the names and telephone numbers for Medicare beneficiaries. Telemarketers then cold-called these Medicare beneficiaries, encouraging them to accept prescriptions for certain pre-selected, highly-reimbursable medications, primarily topical creams, at no cost to the beneficiaries. In all or nearly all cases, the beneficiaries had no need for the medication.

Next, KLEIN and his co-conspirators obtained signed prescriptions for these medically unnecessary medications through one of two methods: (1) "doctor chasing," in which they bombarded the Medicare beneficiaries' primary care physicians with faxes requesting signatures on prescriptions for the medications, or (2) paying telemedicine companies kickbacks for bogus telephone consultations with the Medicare beneficiaries, resulting in the creation of thousands of falsified prescriptions. In the case of the telemedicine companies, physicians employed by the telemedicine companies had cursory (or in some cases, no) telephone conversations with the beneficiaries and then signed prescriptions for the pre-selected medication. In other words, there was no objective medical examination of the beneficiaries and the medication was not prescribed for the treatment of medically evaluated conditions.


KLEIN and his co-conspirators paid the telemedicine companies kickbacks based on a set fee per Medicare beneficiary in exchange for the companies providing the signed prescriptions.

These kickbacks were often described on invoices as "credits" or "consulting fees" in order to disguise the fact that they were in fact payments based on the number of medically unnecessary prescriptions provided.

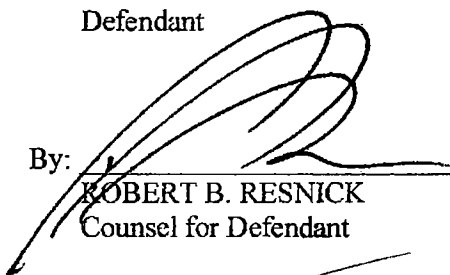
Once they had the signed prescriptions, KLEIN and his co-conspirators used them to submit false and fraudulent claims to Medicare, sometimes including multiple months of refills, and often despite the fact that many beneficiaries complained that they did not want the medication, did not use it, or had too much of it.

The preceding statement is a summary, made for the purpose of providing the Court a factual basis for my guilty plea to the charges against me. It does not include all of the facts known to me concerning the criminal activity in which I and others engaged. I make this statement knowingly and voluntarily and because I am in fact guilty of the crimes charged.


Date: 8/24/21

By: 
JEREMY KLEIN
Defendant

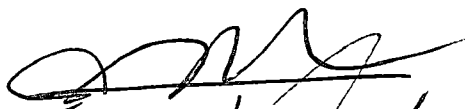
Date: 8/24/21


By: 
ROBERT B. RESNICK
Counsel for Defendant

Date: 8/24/2021

By: 
ALEXANDER THIOR POGOZELESKI
Trial Attorney
Fraud Section, Criminal Division
U.S. Department of Justice

Date: 8/31/22

By: 
Joseph Nascente

By: ³ 
William R. Tinsley